

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OWEN W. BARNABY,

Plaintiff,

Case No. 1:14-cv-1279

v.

HON. JANET T. NEFF

BRET WITKOWSKI, et al.,

Defendants.

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**ORDER**

This is a civil action involving a *pro se* litigant. Plaintiff filed a Motion for Default for Failure to Comply with FED. R. CIV. P. 12 (Dkt. 4). The motion was referred to the Magistrate Judge, who issued a Report and Recommendation on January 26, 2015, recommending that the motion be denied without prejudice as premature. The Report and Recommendation was duly served on Plaintiff. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (Dkt 6) is APPROVED and ADOPTED.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Default for Failure to Comply with FED. R. CIV. P. 12 (Dkt. 4) is DENIED WITHOUT PREJUDICE as premature.

Dated: February 13, 2015

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge